

the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Broken Red Pimientos * * * Packed By California Packing Corporation * * * San Francisco, California."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy vegetable substance, for the further reason that it consisted in part of a decomposed vegetable substance, and for the further reason that it consisted in part of a putrid vegetable substance.

On November 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10307. Adulteration and misbranding of spaghetti and vermicelli. U. S. * * * v. 11 Cases * * * of Spaghetti, et al. Default decrees of condemnation and forfeiture. Products delivered to charitable institution for consumption and not for sale. (F. & D. Nos. 15362, 15363. I. S. Nos. 182-t, 185-t, 186-t. S. Nos. C-3198, C-3200.)

On or about September 16, 1921, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 11 cases and 9 cartons of spaghetti and 3 cartons of egg vermicelli, remaining in the original packages at Springfield, Ill., alleging that the articles had been shipped by the Crescent Macaroni & Cracker Co., Davenport, Iowa, on or about January 31, February 1, and April 18, 1921, respectively, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The spaghetti was labeled in part, "Crescent Brand Spaghetti For Fine American Trade * * * Crescent Macaroni And Cracker Co. Davenport, Iowa * * *." The vermicelli was labeled in part, "Crescent Brand Egg Vermicelli * * * Also known As Fine Egg Noodles. * * *."

It was alleged in the libels that the articles were adulterated in that a low grade flour product had been mixed and packed with, and substituted wholly or in part for, the articles, and in substance that the vermicelli was adulterated in that a product containing an insufficient amount of egg solids had been mixed and packed with, and substituted wholly or in part for, the article.

Misbranding was alleged in substance for the reason that the statements appearing on the labels of the respective articles, to wit, "* * * Egg Vermicelli Also Known As Fine Egg Noodles * * * From it are made some of the most savory egg-noodle dishes; and for fine, rich egg-noodle soups, it is unsurpassed. * * * Patent Durum, the cream of macaroni wheat flour, is used * * *," and "Spaghetti For Fine American Trade," and the statement "Net Weight 7 Oz.," appearing on a portion of the spaghetti, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of, and were offered for sale under the distinctive names of, other articles. Misbranding was alleged with respect to a portion of the spaghetti for the further reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 17, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be delivered to the Springfield Home for the Friendless, a charitable institution of Springfield, Ill., for consumption and not for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10308. Adulteration of oysters. U. S. * * * v. John F. Javins and Francis H. Javins (C. H. Javins & Son). Pleas of nolo contendere. Fines, \$50. (F. & D. No. 15451. I. S. Nos. 8716-t, 8717-t, 8720-t, 8721-t, 8793-t, 8821-t.)

On or about February 23, 1922, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against John F. Javins and Francis H. Javins, trading as C. H. Javins & Son, Washington, D. C., alleging that on January 13, 14, and 26, and February 4 and 25, 1921, respectively, the said defendants did offer for sale and sell in the District of Columbia, in violation of the Food and Drugs Act, quantities of oysters which were adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it contained added water.